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Attorney for Plaintiff

**IN THE UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

M.G.E., JR., by and through his Guardian
ad Litem, VALERIE ESPARZA,

Plaintiff,

vs.

LOS ANGELES DODGERS, LLC, CITY
OF LOS ANGELES, MICHEL MOORE,
LAD SECURITY OFFICER JOHN DOE
#1, LAD SECURITY OFFICER JOHN
DOE #2, LAD SECURITY OFFICER
JANE DOE #1, LAPD OFFICER
RICHARD ROE 1, LAPD OFFICER
RICHARD ROE 2, LAPD OFFICER
JANE ROE 1, and DOES 1-20, inclusive,

Defendants.

No.

COMPLAINT FOR DAMAGES

1. Deprivation of Constitutional Rights, 42 U.S.C. § 1983, including *Monell*
2. Assault
3. Battery
4. False Imprisonment
5. Negligence
6. Premises Liability
7. Deprivation of Civil Rights, Bane Act, Cal. Civil Code § 52.1 and Conspiracy
8. Negligent Hiring, Retention and Supervision

Jurisdiction and Venue

1. This is a civil rights action arising from arising from an encounter between Plaintiff, M.G.E., Jr., and the defendants, on April 16, 2022, at Dodger Stadium, during which defendants conspired and, by the use of threats, intimidation, coercion, force and violence, intentionally deprived Plaintiff of his constitutional and statutory rights, resulting in the infliction of severe and permanent injuries to Plaintiff. This action is brought pursuant to 42 U.S.C. § § 1983 and 1988; the First, Fourth, Eighth and Fourteenth Amendments to the United States Constitution.

1 Jurisdiction is founded upon 28 U.S.C. §§1331 and 1343 (a) (3) and (4), and the
2 above-mentioned statutory and constitutional provisions. Plaintiff further invokes
3 the supplemental jurisdiction of this Court pursuant to 28 U.S.C. § 1367, to hear and
4 decide claims arising under state law.

5 2. Venue is proper in the United States District Court for the Central
6 District of California, pursuant to 28 U.S.C. § 1391(b), in that a defendant resides in
7 this district and as the defendants' actions occurred within this district.

8 **Parties**

9 3. Plaintiff M.G.E., Jr. ("MGE"), is minor child and a citizen of the
10 United States of America residing in California and sues by and through his
11 guardian ad litem and next friend, Valerie Esparza.

12 4. Defendant Los Angeles Dodgers, LLC ("LAD") is a limited liability
13 company duly organized and existing under the laws of Delaware, with its principal
14 place of business in Los Angeles County, California; at all material times LAD had
15 a system of cooperation and interdependence with the LAPD and the City and its
16 security personnel were LAPD officers who acted closely, jointly and in concert
17 with uniformed LAPD officers who were present in the immediate confines of the
18 Stadium and they exercised authority, normally reserved to the state, to effect arrests
19 and to initiate the process for the issuance of citations to persons.

20 5. The LAPD Defendants, Defendants LAPD Officer Richard Roe 1,
21 LAPD Officer Richard Roe 2 and LAPD Officer Jane Roe 1, were police officers in
22 LAPD uniform employed by the City of Los Angeles and acting within the scope of
23 their employment with the Los Angeles Police Department ("LAPD").

24 6. The LAD Security Defendants, Defendants John Doe #1, John Doe #2
25 and Jane Doe #1, were plainclothes LAD Security personnel who were acting jointly
26 and in concert with and as part of a conspiracy with the LAPD Defendants and the
27 City and LAD and were thus state actors; on the basis of information elicited from
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1 litigation in other cases, plaintiff believes and therefore alleges that the LAD
2 Security Defendants were LAPD police officers not wearing uniforms.

3 7. Defendant Michel Moore is the Chief of Police of the LAPD and was at
4 all material and relevant times employed by City as the Chief of Police and was
5 acting within the course and scope of that employment; as Chief, Defendant Moore
6 was responsible for the hiring, screening, training, retention, supervision, discipline,
7 counseling, and control of the Los Angeles County Police Department employees
8 and/or agents. Defendant Moore is and was charged by law with the administration
9 of the Los Angeles Police Department, with the assistance of other executive
10 officers. Defendant Moore also is and was responsible for the promulgation of the
11 policies and procedures and allowance of the practices/customs pursuant to which
12 the acts of the LAPD alleged herein were committed. Defendant Moore is being
13 sued in his official capacity and in his individual capacity as a supervisory official
14 for his own culpable action or inaction in the training, supervision, or control of his
15 subordinates, or for his acquiescence in the constitutional deprivations which this
16 Complaint alleges, or for conduct that showed a reckless or callous indifference to
17 the rights of citizens -- Defendant Moore's affirmative conduct involves, *inter alia*,
18 his failure to ensure enforcement of policies, rules or directive that set in motion a
19 series of acts by others which he knew or reasonably should have known, would
20 cause others to inflict the constitutional injury; Defendant Moore was aware of the
21 conduct of the individual defendants described in this case and specifically approved
22 of and ratified that conduct.

23 8. Defendant City of Los Angeles ("City") was at all material times
24 alleged herein an unincorporated association, municipal corporation, and a
25 California governmental entity duly organized and existing under the laws of the
26 State of California, charged with and responsible for appointing and promoting, the
27 employees of the entity, and for the supervision, training, instruction, discipline,
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The Los Angeles Dodgers employed a “security” force staffed with LAPD officers

14. After several incidents of violence and after LAD was found negligent in 2014 in the 2011 Opening Day beating of a San Francisco Giants fan at Dodger Stadium (“the Stadium”), LAD created a police force, referred to as Security; Dodgers Security employees paid directly by the LAD included (A) non-sworn persons, (B) uniformed sworn LAPD officers, and (C) sworn law enforcement officers, most, if not all, employed by LAPD, dressed in polo shirts and slacks without law enforcement badges; Plaintiff was assaulted and battered by all three categories of LAD Security.

15. Defendant LAPD officers observed Plaintiff being unlawfully assaulted and battered without cause and with excessive force, but despite having the reasonable opportunity to prevent the unlawful seizure of and use of excessive force against plaintiff they did nothing to intervene to prevent the violation of plaintiff’s constitutional rights or to assist Plaintiff when the harm to Plaintiff was imminent and foreseeable; these uniformed Los Angeles Police Department officers acted with deliberate indifference towards plaintiff and jointly and in concert with LAD Security.

16. Defendant LAD, in concert with the LAPD, conspired with LAPD and engaged in a course of conduct to instruct Security employees to falsely conduct unjustified and racially motivated arrests with deliberate indifference to the violation of the constitutional rights of patrons, including Plaintiff.

17. Plaintiff is informed and believes and thereon allege that Defendants acted in a manner that is inconsistent with the purpose and standards of security employees, and they acted in violation of the “Los Angeles Dodgers Security & Guest Services” manual. The actions of Dodgers Security employees as alleged

1 herein were encouraged, known and ratified by Defendants City of Los Angeles and
2 LAD.

3 18. The plaintiff previously was deprived of interests protected by the
4 Constitution of the United States of America and the Constitution of the State of
5 California and by the laws of the United States of America and the State of
6 California, and each and every defendant caused, by commission or omission, such
7 deprivation, and while acting under color of law.

8 19. All acts and or omissions perpetrated by each defendant, except any
9 governmental entity defendant or any defendant only in his/her official capacity,
10 were engaged in maliciously, callously, oppressively, wantonly, recklessly, with
11 deliberate indifference to the rights allegedly violated, despicably, and with evil
12 motive and intent, in disregard for the rights of the plaintiff and others.

13 **Cincinnati Reds v. Los Angeles Dodgers, April 16, 2022**

14 20. On April 16, 2022, in the City and County of Los Angeles, Plaintiff
15 was lawfully attending a Los Angeles Dodgers game against the Cincinnati Reds at
16 Dodger Stadium.

17 21. In the 8th Inning, while the Dodgers were beating the Reds by a score
18 of 5-0, plaintiff left his seat to escort his wife to the restroom and walked to a part of
19 the stadium adjacent to the concession stands.

20 22. On or about April 16, 2022, in the County of Los Angeles, Plaintiff was
21 lawfully attending a Los Angeles Dodgers game against the Cincinnati Reds at
22 Dodger Stadium with his parents, siblings, family members and friends.

23 23. Around the time of the seventh inning Plaintiff walked to the snack bar.

24 24. As Plaintiff was approaching the snack bar he heard a loud commotion
25 to the left; when he looked that way he noticed that it was his father being harassed
26 by LAD security.

27 25. A private security officer was yelling at Plaintiff's father; as the private
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1 security guard, who was a middle aged Hispanic male, did this LAPD officers
2 (Officers John Doe 1, John Doe 2, and Jane Doe 1, and, possibly others) were standing
3 within earshot watching the security guard interact Plaintiff's father, Manuel G.
4 Esparza.

5 26. Plaintiff walked towards them, and, noticing that the security guard was
6 being very aggressive, protested and stated that they should let his father go.

7 27. Plaintiff also asked the security guard they were being so aggressive with
8 his father, Manuel Esparza.

9 28. At that time the security guards turned around and started to be
10 aggressive with Plaintiff; they then grabbed Plaintiff and picked him up and embraced
11 him in a bear hug and started jerking him around to the point where he heard his lower
12 back crack.

13 29. Plaintiff's mother was coming out of the restroom and she yelled at the
14 security guard and the LAPD officers, telling them to leave Plaintiff alone and that he
15 was a minor.

16 30. At first they weren't listening to Plaintiff's mother, Valerie; she told one
17 of the female security officers that Plaintiff was a minor and that he was only 16 years
18 old. The female security officer then told the other security officers to let Plaintiff go.

19 31. Plaintiff's mother had to repeatedly tell the defendants several times that
20 Plaintiff was only 16 years of age before they decided to let Plaintiff go; then they
21 escorted Plaintiff out of the stadium and ejected him from the baseball game.

22 32. Plaintiff had scoliosis and had scoliosis before April 16, 2022.

23 33. The next day Plaintiff started experiencing severe back pain and went
24 to the hospital; Plaintiff was administered an MRI of the back and started doctor
25 visits with an orthopedic back specialist.

26 34. Plaintiff does not believe that physical therapy has helped and is still
27 suffering from severe back pain, which was caused by the defendants.
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1 35. An LAD Security officer, Defendant John Doe #1, who, on information
2 received through other litigation, was an active police officer employed by the City
3 and the LAPD, had rapidly accosted MGE's father and yelled at him to give him the
4 items he was holding in his right and left hands; as the private Security officer, who
5 was a middle aged Hispanic male, did this LAPD officers (Defendant Officers
6 Richard Roe 1, Richard Roe 2, and Richard Roe 3) were standing within earshot
7 approximately 5 feet away watching the Security officer interact with Plaintiff.

8 36. MGE's father asked the Security officer, John Doe #1, why he asked
9 for the items he was holding and was in the process of handing the item in his right
10 hand to the defendant Security officer, but the Security officer violently and
11 recklessly assaulted and battered MGE's father and grabbed at his hand and in one
12 motion snatched the e-cigarette from his hand and then immediately grabbed and
13 twisted Manuel Esparza's left hand (which was holding a case) and wrist and
14 twisted his arm behind his back and forcibly jammed Plaintiff's wrist and arm up
15 behind Plaintiff's back.

16 37. When addressing Plaintiff's father the defendant was using profanity.

17 38. This action severely injured Manuel Esparza's left wrist, hand and arm
18 and caused him to suffer other injuries; the three LAPD defendants identified above
19 were present, were close enough to intervene, had the authority to intervene, had the
20 opportunity to intervene and should have intervened as a crime was being
21 committed by the Security officer in their presence, but they all three failed to
22 intervene to stop the use of excessive force against Plaintiff, the deprivation of his
23 civil rights, the assault, battery and false imprisonment by the defendant Security
24 officer, and they aided and abetted the Security officer in his tortious conduct.

25 39. Simultaneously, another defendant Security officer, John Doe #2,
26 grabbed plaintiff's father's right arm and began to twist it up behind his back;
27 Defendant Jane Doe #1 was present and giving cover to John Doe #1 and John Doe
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1 #2 and aided and abetting them by failing to intervene to stop the use of excessive
2 force and the false arrest of Manuel Esparza.

3 40. The defendants then handcuffed Manuel Esparza.

4 41. As the defendant Security officer was assaulting and battering
5 plaintiff's father, the Security officer was saying "quit resisting" and was telling him
6 that he was leaving the park despite the fact that he never resisted and that the
7 defendant Security officer was the aggressor and had assaulted, battered and injured
8 him.

9 42. Defendants LAD Security Defendants and LAPD Defendants, Richard
10 Roe 1, Richard Roe 2, and Jane Roe 1, who met and arrived at a meeting of the
11 minds, and formed a mutual understanding, agreed, for the purpose of forming a
12 conspiracy to impose the use of excessive force against LAD patrons, including
13 Plaintiff, and to falsely arrest patrons, including Plaintiff, that the LAPD Defendants
14 would stand by and maintain a false image of legitimacy and fail to intervene to
15 protect Plaintiff from being victimized by the use of excessive force against him by
16 the LAD Security officers, John Doe #1, John Doe #2 and Jane Doe #1 and fail to
17 intervene in the false arrest of Plaintiff by those defendants, and they were all
18 participants in the use of excessive force against Plaintiff and the arrest of plaintiff
19 without probable cause, by agreeing to and arriving at a meeting of the minds and a
20 mutual understanding to act as described.

21 43. The LAPD Defendants, who were present, by their conduct, implicitly
22 authorized the conduct of the LAD Security defendants in using excessive force
23 against Plaintiff and in handcuffing and falsely arresting Plaintiff — they were
24 visibly present with a few feet away when Plaintiff was being assaulted and arrested
25 and they were in uniform and presenting a false image of legitimacy to the ordeal
26 and preventing Plaintiff's family members from giving aid to Plaintiff.

27 44. The LAPD Defendants, Richard Roe 1, Richard Roe 2, and Jane Roe 1,
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1 who were present, by their conduct, facilitated and implicitly encouraged the
2 conduct of the LAD Security defendants in using excessive force against Plaintiff
3 and in handcuffing and falsely arresting Plaintiff — they were visibly present with a
4 few feet away when Plaintiff was being assaulted and arrested and they were in
5 uniform and presenting a false image of legitimacy to the ordeal and giving “cover”
6 to the LAD Security defendants as they violated Plaintiff’s constitutional rights by
7 using excessive force against him, handcuffing him too tightly and arresting him
8 without probable cause.

9 45. The supervisory defendants, whose identities are unknown, negligently
10 and recklessly supervised the defendant officers, negligently and recklessly hired
11 and retained these employees employed by the LAD and the City of Los Angeles,
12 negligently and recklessly supervised the LAD and City of Los Angeles employees,
13 negligently and recklessly hired and retained persons, and negligently, recklessly
14 and intentionally covered up, concealed and suppressed information revealing the
15 unconstitutional policies, practices and customs maintained by the City of Los
16 Angeles.

17 46. As a proximate result of the aforementioned acts and or omissions of
18 defendants, and each of them, Plaintiff suffered from personal injuries, including but
19 not limited to a severe injury to his left wrist, hand and arm for which he needs
20 surgical intervention (Plaintiff is left-handed and is an artist and the injury has
21 drastically damaged his ability to hold a stylus or a pencil and to draw with pen and
22 ink) false imprisonment, fear, physical and emotional pain, torment, grief,
23 degradation, fear, humiliation, anguish, anxiety, embarrassment, and emotional
24 distress, all proximately resulting in some permanent impairment, disability and
25 damage and he claims general damages for such physical and mental pain in an
26 amount to be shown according to proof to punish the defendants and to deter the
27 defendants and others.

1 official policy, or widespread or longstanding practice or custom of having only
2 nominal and perfunctory oversight over their operations, the failure to conduct any
3 investigation into the chronic false arrests and the use of excessive force by LAD
4 and LAPD personnel against persons, and using the internal affairs process to
5 conceal and whitewash incidents of the use of excessive force, conspiracy, and false
6 arrest.

7 52. At all relevant times, Defendants City and LAD, including supervisory
8 defendants and policymakers and Does 1-5, and each of them, maintained expressly
9 adopted official policies, or widespread or longstanding practices or customs, or
10 both, that posed a substantial risk of serious harm to persons in plaintiff's situation
11 and each defendant knew that the following policies, customs or practices posed this
12 risk of harm: (1) failure to supervise, investigate, train and take corrective action in
13 response to incidents of Security officers seizing patrons without reasonable
14 suspicion or probable cause and using excessive force against them; (2) inadequate
15 supervision of and training of officers in the use of handcuffs; (3) condoning and
16 ratifying inadequate supervision of officer misconduct, unconstitutional conduct,
17 and or dereliction of duty; (4) condoning and ratifying inadequate supervision by
18 supervisors who fail to report or investigate officers' and other supervisors'
19 wrongful or unconstitutional acts, or dereliction of duty; (5) condoning and ratifying
20 inadequate supervision by supervisors who fail to report or investigate officers who
21 use excessive force on persons; (6) ratifying wrongful conduct by officers that
22 results in serious injuries to persons, civil litigation, judgments and settlements by
23 failing to implement corrective action to prevent repetition of the wrongful conduct;
24 (7) ratifying wrongful conduct by supervisors that results in serious injuries to
25 persons, civil litigation, judgments and settlements by failing to implement
26 corrective action to prevent repetition of the wrongful conduct; (8) failure to
27 supervise, investigate, train and take corrective action in response to incidents of
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1 officers fabricating probable cause in official reports for the purpose of covering up
2 arrests without probable cause of patrons and the use of excessive force against
3 patrons and other persons; and (9) failure to supervise, investigate, train and take
4 corrective action in response to incidents of officers fabricating probable cause in
5 official reports for the purpose of covering up the use of excessive force against
6 arrestees and other persons.

7 53. Chief Moore and the supervisory defendants and policymakers
8 became aware of and should have taken corrective action to prevent repeated
9 incidents of supervisors failing to supervise subordinates who were derelict in their
10 duties and responsibilities but they failed to take corrective action; thus, they were
11 deliberately indifferent to: (1) incidents of officers using excessive force on
12 arrestees and other persons; (2) incidents of officers and supervisors adhering to a
13 “code of silence” resulting in failures to report officers’ wrongful and
14 unconstitutional conduct; (3) incidents of supervisors failing to conduct
15 investigations or conducting conclusory or perfunctory investigations of use of force
16 incidents; (4) the ratification of wrongful conduct by officers and supervisors that
17 result in serious injuries to persons, civil litigation, judgments and settlements by
18 failing to implement corrective action to prevent repetition of ongoing wrongful
19 conduct; (5) incidents of inadequate or a complete absence of supervision and
20 training; (6) incidents that supervisors were not reporting to their superiors as
21 necessary or required as part of their duties and responsibilities; (7) officers
22 conducting searches of persons without probable cause and in an unreasonable
23 manner.

24 54. Moore disregarded the known or obvious consequence that particular
25 training deficiencies or omissions would cause these subordinates to engage in acts
26 that would deprive the plaintiff of his constitutional rights as they did in this case.

27 55. Moore was instrumental in fostering the code of silence and culture of
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1 fear and deprivation of constitutional rights on a systemic and institutional basis by
2 performing the duty of whitewashing internal affairs complaints and complaints of
3 wrongful arrests, the use of excessive force against persons and arrestees, the
4 fabrication of probable cause to cover up the use of excessive force, and similar
5 infractions perpetrated by officers and employees, and did so in this case.

6 56. As a result, the City is liable based upon Chief Moore's personal
7 knowledge or constructive knowledge of claims asserting that Security officers
8 employed by LAPD at the Stadium routinely use excessive force against patrons at
9 the Stadium and his approving settlements of those claims, resulting in a custom of
10 officers being deliberately indifferent to the constitutional rights of patrons of LAD,
11 and of officers using excessive force against persons at the Stadium and falsifying
12 reports to fabricate probable cause to cover up the use of excessive force, which has
13 become such a longstanding, well-settled or widespread practice or custom that
14 Moore and the policymaking officials of the municipality can be said to have either
15 actual or constructive knowledge of it.

16 57. Yet Moore did nothing to end the practice or custom; Moore's inaction
17 and failure to investigate, re-train, reprimand or request disciplinary action of the
18 involved officers is acquiescence in the unconstitutional conduct and constitutes a
19 custom and practice and is the moving force behind plaintiff's injuries, for which the
20 City and LAD are liable under the authority of *Larez v. City of Los Angeles*, 946
21 F.2d 630, 645 (9th Cir. 1991) (Chief of Police held individually liable for condoning
22 excessive force); *McRorie v. Shimoda*, 795 F.2d 780, 784 (9th Cir. 1986) ("Policy or
23 custom may be inferred if, after [constitutional violations], ... officials took no steps
24 to reprimand or discharge the [prison] guards, or if they otherwise failed to admit
25 the guards' conduct was in error."); *Grandstaff v. City of Borger*, 767 F.2d 161 (5th
26 Cir. 1985) (upholding verdict for police chief's failure to respond to the situation or
27 to make changes in order to prevent recurring violations evidenced preexisting
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1 policy of deliberate indifference to the dangerous recklessness of its police officers);
2 *Bordanaro v. McLeod*, 871 F.2d 1151 (1st Cir. 1989), and *Henry v. County of*
3 *Shasta*, 132 F.3d 512, 520 (9th Cir. 1997) (Defendant Sheriff's failure to fire or
4 reprimand officers evidences a policy of deliberate indifference to their misconduct
5 even after being sued to correct a blatantly unconstitutional course of treatment – "is
6 even more persuasive evidence of deliberate indifference or of a policy of
7 encouraging such official misconduct."); Moore delegated to subordinates his non-
8 delegable statutory duties and responsibilities as the policy-maker and his non-
9 delegable duty to supervise and hold his subordinates accountable, and failed to take
10 corrective measures to ensure that his subordinates were complying with their duties
11 and responsibilities to prevent ongoing constitutional violations.

12 58. Michel Moore was a final policymaker and learned of and specifically
13 made a deliberate choice to approve of the acts of the officer and LAD Security
14 defendants, described in this pleading, learned that the defendants used excessive
15 force against Plaintiff, and knew of the bases for the acts of the defendants, before
16 specifically making a deliberate choice to approve of their acts.

17 59. Defendant City, by and through its agents and LAPD and the
18 policymakers, including Moore, who had final policymaker authority and who had
19 authority on behalf of the City to delegate such authority, delegated final
20 policymaking authority to others.

21 60. Defendants violated plaintiff's constitutional rights, as alleged in this
22 complaint, by, inter alia, failing to train the Security officers and the uniformed
23 LAPD officers.

24 61. Defendants LAD and City and the City and LAPD policymakers had
25 ample reason to know, based upon complaints, arrest reports, and, inter alia, claims
26 for damages, that LAD and LAPD employees regularly engage in the misdeeds set
27 forth throughout this complaint.
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1 62. City, LAD and the policymakers, and each of them, were on actual or
2 constructive notice that the LAD and LAPD training programs were not adequate to
3 (1) prevent violations of law by officers as described in this complaint, (2) train its
4 officers to handle the usual and recurring situations with which they must deal, and
5 the municipal liability defendants were deliberately indifferent to the (1) the
6 substantial risk that its policies were inadequate to prevent violations of law as
7 described in this complaint, and (2) known or obvious consequences of their failure
8 to train LAPD officers adequately, and the failure of the City, Moore and the LAPD
9 to prevent violations of law as described in this complaint and to provide adequate
10 training as stated above played a substantial part in bringing about or actually
11 causing the injury to Plaintiff and to the deprivation of his rights under the fourth
12 and fourteenth amendments, as described in this pleading, yet these defendants
13 chose in the face of this knowledge and risk to retain the deficient policies and
14 training program.

15 63. Thus, the defendants' policy of inaction to the deficiencies of the LAD
16 and LAPD policies and training programs constituted a decision on the part of the
17 City and LAD to violate the constitution.

18 64. Specifically, the training programs were deficient in the failure to *inter*
19 *alia*: (1) instill integrity in officers; (2) train officers about the LAPD discipline
20 process and the consequences of misconduct; (3) train officers to talk to persons and
21 to talk their way out of confrontations and to de-escalate situations; (4) train officers
22 to involve supervisors and managers in decisions that can lead to the use of force
23 against a person; (5) train officers about the consequences of lying in official
24 reports, lying to supervisors and covering up force incidents; (6) train officers in
25 "role playing" and how to deal with situations where their authority is questioned or
26 challenged; (7) train officers that force is a last resort and that officers should use
27 only the minimum amount of force necessary to the circumstances; (8) train officers
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1 to refrain from lying in official reports for the purpose of fabricating probable cause
2 for an arrest; and (9) train officers in the Peace Officers Standards and Training
3 (P.O.S.T.) protocols and learning domains and (10) train officers as set forth above.

4 65. The foregoing unconstitutional failures to train were a direct and legal
5 cause and moving force behind the deprivations of Plaintiff's constitutional rights
6 and the harm he suffered.

7 66. Defendants' failures to train, as described in this complaint, were
8 within the control of the Defendants and within the feasibility of Defendants to alter,
9 adjust and correct so as to prevent some or all of the unlawful acts and injury
10 complained of in this complaint by plaintiffs.

11 67. On and for some time before April 16, 2022 (and continuing to the
12 present time) Defendants City and LAD and their supervising and managerial
13 employees, agents, and representatives, acting with reckless disregard and deliberate
14 indifference for the rights of the public in general, of the plaintiff and others in his
15 class and comparable position, knowingly maintained, enforced and applied policies
16 or longstanding or widespread practices and customs, or both, including (1)
17 employing and retaining as police officers and Security officers and other personnel,
18 including the defendants in this action, who Defendants at all times material knew or
19 reasonably should have known had dangerous propensities for abusing their
20 authority by mistreating persons and for failing to follow written City, LAPD, and
21 LAD policy and for using excessive force; (2) inadequately supervising, training,
22 controlling, assigning and disciplining LAD Security officers and LAPD police
23 officers and other City personnel, including the defendants, who the City and LAD
24 knew or reasonably should have known had the aforementioned propensities; (3)
25 though the City and LAD had knowledge, prior to the incident involving the
26 plaintiff, of repeated allegations and reports of misconduct involving the use of
27 excessive force by LAD Security and LAPD officers, they maintained a policy of
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1 inaction, and failed to investigate the allegations and reports or take any corrective
2 action in response; (4) though Defendants City and LAD had knowledge, prior to
3 the incident involving the plaintiff, of similar instances of misconduct involving the
4 use of excessive force against persons like the plaintiff, they failed and refused to
5 enforce established administrative procedures designed to abate such incidents; (5)
6 Defendants City and LAD reprimanded, threatened, intimidated, demoted, fired
7 officers and employees who courageously reported unlawful acts and acts that
8 violated policy by other officers, including LAPD officers and LAD Security
9 officers, and tolerated a hostile and dangerous work environment for those officers
10 and employees; (6) Defendants City and LAD covered up unlawful acts and acts of
11 misconduct and abuse by LAPD officers and LAD Security officers and sanctioned
12 a code of silence by and among officers and management; (7) Defendants City and
13 LAD condoned and encouraged a systemic conspiracy of silence among their
14 employees for the purpose of concealing wrongful and illegal conduct and
15 misconduct by their employees, and these policies, practices or customs or any
16 combination of them were so closely related to the deprivation of the plaintiff's
17 rights as to be the moving force that caused the ultimate injury.

18 68. The actions and inactions of the City and the policymakers set forth in
19 the preceding paragraphs were known or should have been known to the
20 policymakers responsible for the LAPD and occurred with deliberate indifference to
21 either the recurring constitutional violations described here, and or to the strong
22 likelihood that constitutional rights would be violated as a result of failing to train,
23 supervise or discipline in areas where the need for such training was obvious.

24 69. Chief Moore and the other policymakers, who had final policymaker
25 authority from defendants City and LAD, ratified the conduct of the officer
26 defendants in this case and the bases for their conduct in that they knew of and
27 specifically approved of the conduct of the officer defendants.
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Cause of Action # 1

**Deprivation of Constitutional Rights – Amendments IV & XIV - 42 U.S.C. § 1983 –
Unreasonable Seizure of Person, Excessive Force and *Monell* — Against all
Defendants**

70. Plaintiff realleges and incorporates here each and every allegation set forth in this pleading as if set forth here in full and, specifically, as to *Monell*, ¶¶ 4-8, 13 and 50-69.

71. At the time of the Incident set forth in the averments set forth above, the rights of persons within the jurisdiction of the United States of America under both Amendment V and XIV to the United States Constitution to due process of law and the equal protection of the laws and under Amendment IV to be free from unreasonable searches and seizures, were in force and effect.

72. The LAD Security defendants and the LAPD defendants, who were all present, met and conferred, and formed a meeting of the minds, a partnership and an understanding, and agreed to that the LAD Security defendants would use excessive force against and falsely arrest LAD patrons, including plaintiff, and that the LAPD defendants would fail to intervene to stop the use of excessive force or the unlawful seizures.

73. The defendants perpetrated at least one overt act of the conspiracy by handcuffing and falsely arresting Plaintiff and ejecting him from Dodger Stadium before the game that he paid to watch was concluded.

74. The defendants carried out the objects of the conspiracy when they detained Plaintiff without reasonable suspicion, used excessive force against Plaintiff and arrested Plaintiff without a warrant or probable cause pursuant to the agreement or understanding, and the defendants knew that their conduct would deprive Plaintiff of his constitutional rights, but the LAPD Defendants failed to act to prevent the use of excessive force against Plaintiff or the arrest of Plaintiff, in

1 violation of the Fourth and Fourteenth Amendments to the Constitution of the
2 United States and proximately caused the severe and permanent injuries to plaintiff.

3 75. The LAPD Defendants had a realistic opportunity to intercede to stop
4 the use of excessive force against Plaintiff and the arrest of Plaintiff, which was
5 unsupported by probable cause, but they failed to do so.

6 76. The LAD Security Defendants were acting under color of state law as
7 they were at all times acting pursuant to a conspiracy and in joint action with the
8 LAPD Defendants.

9 77. At all material times LAD was a state actor because it had a system of
10 cooperation and interdependence with the LAPD and the City and its Security
11 personnel were LAPD officers who acted closely, jointly and in concert with
12 uniformed LAPD officers who were present in the immediate confines of the
13 Stadium where they used excessive force against the plaintiff and others, with
14 uniformed LAPD officers standing by and failing and refusing to intervene to
15 prevent the violation of plaintiff's constitutional rights and preventing others from
16 interceding to come to plaintiff's aid; LAD was a wilful participant in joint action
17 with the City and the LAPD and had contracted with the City and the LAPD for the
18 utilization of LAPD officers in its Security operation.

19 78. At all material times LAD was a state actor because, as described
20 above, there was a sufficiently close nexus between the City and the LAPD on the
21 one hand and LAD on the other, as the City and the LAPD insinuated themselves
22 into a position of interdependence with LAD in the context of LAD's Security
23 operation.

24 79. At all relevant times, Defendants City of Los Angeles and LAD
25 maintained expressly adopted official policies, or widespread or longstanding
26 practices or customs that posed a substantial risk of serious harm to persons in
27 plaintiff's situation and the Defendant knew that the following expressly adopted
28

1 official policy or custom or practice posed this risk of harm: (1) failure to supervise,
2 investigate, train and take corrective actions in response to incidents of LAPD
3 officers failing to intervene in the use of excessive force against patrons of Dodger
4 Stadium; (2) failure to supervise, investigate, train and take corrective actions in
5 response to incidents of incidents of LAPD officers failing to intervene in the arrests
6 without probable cause by LAD Security of patrons of Dodger Stadium; (3)
7 inadequate supervision of and training of officers in the use of handcuffs; (4) the
8 failure to investigate officer misconduct; (5) condoning inadequate supervision by
9 supervisors who fail to report or investigate officer misconduct; (6) ratifying
10 wrongful conduct by officers that results in serious injuries to persons, civil
11 litigation, judgments and settlements by failing to implement corrective action to
12 prevent repetition of the wrongful conduct; (7) ratifying wrongful conduct by
13 supervisors that results in serious injuries to persons, civil litigation, judgments and
14 settlements by failing to implement corrective action to prevent repetition of the
15 wrongful conduct; and (10) failure to supervise, investigate, train and take corrective
16 action in response to incidents of officers fabricating probable cause in official
17 reports for the purpose of covering up arrests without probable cause of persons.

18 80. The LAPD defendants acted pursuant to official policies or the
19 widespread or longstanding practices or customs of the City of Los Angeles and the
20 LAD Security defendants acted pursuant to official policies or the widespread or
21 longstanding practices or customs of LAD and of the City.

22 81. The official policies or the widespread or longstanding practices or
23 customs, or both, of LAD and the City were so closely related to the deprivation of
24 the plaintiff's rights as to be the moving force behind the deprivations of the
25 constitutional rights of the plaintiff and the ultimate injuries suffered by him.

26 **Cause of Action # 2**

27 **Assault — Against all Defendants**

1 105. Plaintiff did not consent to the conduct.

2 106. Plaintiff was actually harmed.

3 107. The conduct of the defendants was a substantial factor in causing harm
4 to Plaintiff.

5 **Cause of Action # 5**

6 **Negligence — Against all Defendants**

7 108. Plaintiff realleges and incorporates here each and every allegation set
8 forth in this pleading as if set forth here in full.

9 109. The defendants had and have a duty to use reasonable care in the
10 circumstances described in this notice and in the treatment of persons including
11 plaintiff and it was reasonably foreseeable that the acts perpetrated by defendants, as
12 described herein, would result in harm to plaintiff, and in perpetrating the acts and
13 conduct described herein defendants failed to use ordinary or reasonable care in the
14 circumstances and breached that duty referred to above, resulting in the harm and
15 physical injury to plaintiff's hand, wrist and arm and in the infliction of emotional
16 and mental distress and pain on plaintiff as described herein.

17 **Cause of Action # 6**

18 **Premises Liability — Against All Defendants Except the LAPD Defendants**

19 110. Plaintiff realleges and incorporates here each and every allegation set
20 forth in this pleading as if set forth here in full.

21 111. At all times mentioned Defendant LAD and the other defendants, as
22 owners and or occupiers of land owe a general duty to exercise ordinary care for the
23 safety of persons who visit Dodger Stadium.

24 112. At all times mentioned here the persons acting as Security employees at
25 Dodger Stadium were acting with the knowledge, permission, and consent of
26 Defendant LAD and Does.

27 113. At all times herein mentioned, the persons acting as managers and
28

1 Security employees were the agents, servants, and/or employees of and acting
2 within the course and scope of said agency and employed by Defendant LAD and
3 Does.

4 114. At no time mentioned in this action did Plaintiff do any wrongful act of
5 violence toward any person in Dodger Stadium on April 16, 2022.

6 115. At said time and place, Defendant LAD and Does, without cause, did
7 viciously attack Plaintiff while acting in the course and scope of their agency and
8 employment with Defendants LAD and Does.

9 **Cause of Action # 7**

10 **Bane Act, Civil Code § 52.1, including Conspiracy — Against all Defendants**

11 116. Plaintiff realleges and incorporates here each and every allegation set
12 forth in this pleading as if fully set forth here at length.

13 117. At the time of the incident set forth in the averments above, the rights
14 of persons within the jurisdiction of the State of California and the United States of
15 America under both Amendment V and XIV to the United States Constitution to due
16 process of law and the equal protection of the laws, and under the fourteenth
17 amendment and under the California Constitution to due process of law and under
18 the first amendment and under the California Constitution to freedom of speech and
19 under the Eighth Amendment to freedom from cruel and unusual punishment were
20 in force and effect and the individual defendants who engaged in conduct, as set
21 forth here, who subjected Plaintiff to the harm described above by means of threats,
22 intimidation and coercion violated Civil Code § 52.1, *see Cornell v. City & County*
23 *of San Francisco*, 17 Cal.App.5th 766 (2017); *Reese v. County of Sacramento*, 888
24 F.3d 1030 (9th Cir. 2018).

25 118. By the use of force and violence, threats, intimidation or coercion the
26 defendants caused Plaintiff to reasonably believe that if he exercised his
27 constitutional right to liberty, his right to pursue and obtain safety, his right to
28

1 pursue and obtain happiness, Cal. Const., Art. I, § 1, his privacy right to seclusion,
2 his right to speech, his right to be secure in his person or any other right secured by
3 the Constitution or laws of the United States of America or the Constitution or laws
4 of the State of California the defendants would commit violence against him and the
5 defendants had the apparent ability to carry out the threats.

6 119. The defendants acted violently and intentionally against Plaintiff with
7 the intent to prevent him from exercising his constitutional right to liberty, his right
8 to pursue and obtain safety, his right to pursue and obtain happiness, his privacy
9 right of seclusion, his right to speech, his right to be secure in his person and or any
10 other right secured by the Constitution or laws of the United States of America or
11 the Constitution or laws of the State of California to retaliate against Plaintiff for
12 having exercised his rights.

13 120. Civil Code § 43 provides that “every person has, subject to the
14 qualifications and restrictions provided by law, the right of protection from bodily
15 restraint or harm, from personal insult, from defamation, and from injury to his
16 personal relations.”

17 121. By the use of force, threats, intimidation or coercion defendants caused
18 Plaintiff to reasonably believe that if he exercised his right of protection from bodily
19 restraint or his right to protection from bodily harm secured by the laws of the State
20 of California defendants would commit violence against him and defendants had the
21 apparent ability to carry out the threats and intimidation.

22 122. The defendants acted violently and intentionally against Plaintiff with
23 the intent to prevent him from exercising his right to protection from bodily restraint
24 and or his right to protection from bodily harm, to retaliate against Plaintiff for
25 having exercised his right to protection from bodily restraint and or his right to
26 protection from bodily harm.

1 123. The defendants acted violently against Plaintiff to prevent him from
2 exercising his constitutional right to privacy, to speech, to liberty, to travel, to be
3 free from violence and to be secure in his person and from unreasonable searches
4 and seizures or any other right secured by the Constitution or laws of the United
5 States of America or the Constitution or laws of the State of California to retaliate
6 against Plaintiff for having exercised his right to travel, to be where he had a right to
7 be, and to be free from violence and from unreasonable searches and seizures.

8 124. The defendants intended to deprive Plaintiff of his enjoyment of the
9 interests protected by the right to privacy, to liberty, to travel, to be where he had a
10 right to be, and to be secure in his person and free from violence and from
11 unreasonable searches and seizures.

12 125. The right to protection from bodily restraint or harm includes an
13 individual's right to be free from physical attack or the threat of physical attack.

14 126. Defendants physically attacked Plaintiff, violating his right to
15 protection from bodily restraint and his right to protection from bodily harm.

16 127. Defendants physically attacked Plaintiff, violating his right to
17 protection from bodily restraint and his right to protection from bodily harm.

18 128. The LAD Security defendants and the LAPD defendants, who were all
19 present, met and conferred, and formed a meeting of the minds, a partnership and an
20 understanding, and agreed to that the LAD Security defendants would use excessive
21 force against and falsely arrest Dodgers patrons, including plaintiff, using threats,
22 intimidation and coercion to violate Plaintiff's constitutional and statutory rights and
23 that the LAPD defendants would fail to intervene to stop the use of excessive force or
24 the unlawful seizures.

25 129. The defendants perpetrated at least one overt act of the conspiracy by
26 handcuffing and falsely arresting Plaintiff and ejecting him from Dodger Stadium
27 before the game that he paid to watch was concluded.
28

PRAYER

Plaintiff seeks judgment as follows:

1. General, special and compensatory damages against each defendant, jointly and severally, in accordance with proof;
2. An award of punitive damages against each individual defendant to be determined according to proof and in an amount sufficient to make an example of those defendants and to deter future misconduct;
3. Costs, and reasonable attorney's fees and expenses of litigation pursuant to 42 U.S.C. § 1988;
4. All damages, penalties, costs, interest, and attorney's fees as allowed by statute;
6. Prejudgment and post-judgment interest as permitted by law; and
7. Injunctive, declaratory and such further relief as the Court deems just and proper.

DATED: November 6, 2023

JDP PC, Jeff Dominic Price

By


Jeff Dominic Price, Esq.
Attorney for the Plaintiff

DEMAND FOR JURY TRIAL

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, plaintiff demands a jury trial as to all claims for relief.

DATED: November 5, 2023

Jeff Dominic Price | **JDP PC**

By

/s/ Jeff Dominic Price
Jeff Dominic Price, Esq.
Attorney for the Plaintiff